



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2457 FAX (603) 271-7894



Mr. Jake Flemming  
Hampton Beach Casino Water Slide  
PO Box 1209  
Hampton, New Hampshire 03843

LETTER OF DEFICIENCY  
WMB PBF 03-42  
September 25, 2003

Dear Mr. Flemming:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 11, 2003, DES inspected the receiving pool at the Hampton Beach Casino Water Side, in Hampton, NH ("the Pool").

During this inspection, the following deficiencies were noted:

- Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Pool (left side) water was 0.8 mg/L on August 11, 2003.
2. Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Pool water was 8.2 on August 11, 2003.
  3. Env-Ws 1103.05 requires shower facilities to be provided at all public bathing facilities. There is no shower at the Pool.
  4. Env-Ws 1103.11(e) requires the deck area between the pool and the enclosure to slope ¼ inch per foot away from the pool, the deck area to be of a slip resistant textured finish and to be maintained in a sanitary fashion. The deck area between the Pool and the enclosure did not slope away from the Pool. The sanitary condition of the deck area was observed to be poor and areas of the deck were slippery.

DES believes the cited deficiencies can be corrected prior to summer season 2004. A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include a timetable of when a functioning shower will be installed and work plan of how the deck area will be cleaned on a daily basis.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

**COPY**  
Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0585 9978

cc: Mark Harbaugh, Enforcement Attorney, DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Kevin Schultz, Health Officer, Town of Hampton H:\BIOLOGY\POOLS\Letters-LOD\LOD-2003\LOD.03.42.doc